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15 **U-HAUL CO. OF CALIFORNIA**

16 **UNITED STATES DISTRICT COURT**

17 **DISTRICT OF NEVADA**

18 **CT BELT-WRIGHT,**

19 **Plaintiff,**

20 **v.**

21 **U-HAUL CO. OF CALIFORNIA; LYFT, INC.;**

22 **DOE LYFT EMPLOYEE I; DOES I-X; ROE**

BUSINESS ENTITIES XI-XX,

23 **Defendants.**

24 **U-HAUL CO. OF CALIFORNIA,**

25 **Defendant/Third-Party Plaintiff**

26 **v.**

27 **CHRISTOPHER FAIFAIMALIE,**

28 **Third-Party Defendant.**

CASE NO.: 2:23-CV-00400-GMN-BNW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[SECOND REQUEST]

STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES
[SECOND REQUEST]

IT IS HEREBY STIPULATED AND AGREED by and among the parties hereto and each party's respective attorneys of record, that, Pursuant to LR 26-3 and Fed. R. Civ. P. ("Rule") 6(b), discovery deadlines be extended as set forth below.

1. On June 2, 2023, the Magistrate Judge entered an order (ECF No. 19) approving, with modification, the parties' Joint Discovery Plan and Scheduling Order. The Court established the following discovery deadlines:

- a. Discovery cut-off: 5/8/2024;
- b. Deadline to amend pleadings: 2/8/2024;
- c. Initial Expert Disclosures: 03/08/2024;
- d. Rebuttal Expert Disclosures: 04/08/2024;
- e. Dispositive Motions cutoff: 6/10/2024;
- f. Joint Pretrial Order due by 7/10/2024.

2. In November of 2023, the parties conferred regarding the initial discovery schedule and all parties agreed to briefly extend the discovery deadlines, which the Court adopted (ECF No. 46) as follows:

- a. Discovery cut-off: 07/09/24;
- b. Deadline to amend pleadings: 4/8/2024;
- c. Initial Expert Disclosures: 05/08/2024;
- d. Rebuttal Expert Disclosures: 06/10/2024;
- e. Dispositive Motions cutoff: 8/9/2024;
- f. Joint Pretrial Order due by 9/9/2024.

3. The parties recently conferred and agreed that a second extension of the discovery deadlines is appropriate. Due to an upcoming mediation, and due to the need to conduct several additional depositions and discovery, the parties respectfully request a 60-day extension of discovery deadlines. The proposed dates are set forth below.

4. The parties have diligently pursued discovery and continue to do so.

5. Good cause exists for this extension for the reasons stated below.

A. Discovery Completed to Date:

1. Disclosures

- a. Plaintiff served his FRCP 26 Initial Disclosures on May 30, 2023
- b. Plaintiff has served multiple supplemental FRCP 26 Disclosures (First Supplement through Thirteenth Supplement) between June 22, 2023 and March 28, 2024.
- c. Defendant Lyft served its FRCP 26 Initial Disclosures on May 30, 2023.
- d. Defendant U-Haul served its FRCP 26 Initial Disclosures on May 30, 2023.
- e. U-Haul served a Second Supplemental FRCP 26 Disclosure on September 5, 2023.

2. Written Discovery

- a. Plaintiff served sets of discovery to Defendant U-Haul on July 6, 2023. U-Haul responded on September 5, 2023.
- b. Plaintiff served sets of discovery to Defendant Lyft on July 6, 2023. Lyft responded on August 21, 2023.
- c. U-Haul served sets of written discovery to Plaintiff on July 21, 2023. Plaintiff responded on August 21, 2023.
- d. Lyft served sets of written discovery to Plaintiff on September 9, 2023. Lyft responded on November 9, 2023.

3. Depositions

- a. The Deposition of Jake Lafata was taken November 27, 2023.
- b. The Deposition of CT Belt-Wright was taken December 6, 2023.
- c. The Deposition of Sergeant Rawley Campbell was taken January 23, 2024.
- d. The Deposition of Christopher Faifaimalie was taken January 16, 2024.

B. Discovery Remaining to be Completed

Additional discovery tasks that the parties intend to complete are:

1. FRCP 35 examination of Plaintiff;
2. Disclosure of expert and rebuttal reports by all parties;
3. Deposition of Matthew Sabblut (currently scheduled to take place April 29, 2024);

4. Deposition of Paramedic Corina Barker (currently scheduled to take place April 25, 2024);
5. Deposition of Detective Joshua Trail (currently scheduled to take place April 26, 2024);
6. Additional percipient depositions as necessary;
7. Expert depositions as necessary;
8. Possible additional written discovery;
9. Additional FRCP 26 disclosures as necessary;
10. FRCP 35 Examination of Plaintiff.

C. Reasons Why the Remaining Discovery Cannot be Completed Within the Time Limits Set by the Current Discovery Plan

The parties are in the process of conducting multiple depositions which may result in new factual information that could necessitate additional discovery. Additionally, the parties have reached a preliminary agreement pertaining to Plaintiff's FRCP 35 examination and are currently discussing the relevant terms and conditions to be in place during the examination. Given that there will be at least three depositions and, possibly, an FRCP 35 examination, going forward within the next few weeks (as addressed above), the parties will need additional time to obtain the relevant transcripts and documents and to have their respective experts analyze and review this new information and prepare their own reports before the current deadline. This will simply not be possible within the current deadlines.

Additionally, the parties have agreed to participate in a private mediation with Judge David Jones (Ret.) with Advanced Resolution Management. The mediation is set to go forward on May 13, 2024. As the initial expert disclosure deadline is currently May 8, 2024, the parties believe it would be beneficial to extend the discovery deadlines to avoid incurring unnecessary fees and costs.

This stipulation complies LR 26-3 as the May 8, 2024 initial expert disclosure deadline is beyond 21 days past the date of this stipulation. Additionally, there is no trial date set, and it is the parties' second request. As discussed above, the parties have been diligent in conducting discovery, and have plans to continue to do so. Accordingly, the brief 60-day extension is warranted.

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D. Proposed Schedule for Completing all Remaining Discovery

- a. Close of Discovery: September 9, 2024¹;
- b. Deadline to Amend Pleadings: June 7, 2024;
- c. Initial Expert Disclosures: July 8, 2024²;
- d. Rebuttal Expert Disclosures: August 9, 2024;
- e. Deadline to File Dispositive Motions: October 8, 2024; and
- f. Deadline to File Joint Pre-Trial Order: November 8, 2024.

IT IS SO STIPULATED AND AGREED:

DATED: April 8, 2024

WOLFE & WYMAN, LLP

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DATED: April 8, 2024

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DATED: April 8, 2024

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LYFT, INC.

¹ The 60-day extension falls on Saturday, September 7, 2024. September 9, 2024 is the next business day.

² The 60-day extension falls on Sunday, July 7, 2024. July 8, 2024 is the next business day.



ORDER

IT IS SO ORDERED this 10 day of April, 2024.


UNITED STATES MAGISTRATE JUDGE